

ASIZE INTELLIGENCE.

BERRIMA, TUESDAY, SEPT. 4.
DEPOSED Sir JAMES DOWLING, Chief Justice.

The spring assizes commenced on Monday last, at Berrima. The Chief Justice, the Sheriff, and Mr. D. B. Hutchinson arrived on Saturday.

The members of the Bar present were, the Solicitor General, and Messrs. Manning, Purcell, and Cheek.

As soon as the Jury were impanelled, His Honor addressed to them the following charge:—

Sir JAMES DOWLING, C. J.—The periodical assemblage of so numerous and respectable a body of the inhabitants of this extensive circuit, cannot but excite deep sympathy in the painful occasion of the meeting.

Unhappily, he who bears the sword of justice, is again the necessary, and to many, an unwelcome visitor of your district. In vain, it seems, have repeated denunciations and punishments stricken terror into the minds of some evil-doers.

There are those present, who must remember the frightful picture of human depravity which the goal calendar of March, 1842, presented. The sanguinary tragedies exhibited in the cases of the monster Lynch, and the ruthless *Heavenly*, must be vividly depicted on your minds in horrid characters.

Within six months of these sanguinary scenes, another outbreak upon the laws of humanity was committed by other ministers of wickedness, whose heads, the arm of offended justice has been too long, but wittingly suspended.

We have in our catalogue of crime on this occasion, presented in prominent guise, a case of petty treason and murder, a wife dipping her hands in the blood of a husband, whilst in the repose of sleep, and meeting with her adulterous paramour in extinguishing a life, which by every tie of nature, of love, and of duty, he was bound to cherish and protect.

That such a heinous crime has been committed, there is no room for incredulity. Difficulty there may be in bringing home guilt according to the strict and guarded rules of English law, which the proof of crime is fettered. The case will depend upon a concatenation of circumstances requiring the vigilant consideration of the jury to whom it will be submitted.

Let us now approach the performance of our present sacred duties in a spirit befitting the solemnity of the occasion.

PASSING FORGED ORDERS.
Richard Jackson was then placed at the bar, charged with having, on the 5th of April last, passed two forged orders, purporting to be drawn by Messrs. Grant and Trevelyan, of Burrows, on the Managers of the Union Bank, Sydney, with intent to defraud Mr. Middleton, publican, of Yass, and Mr. Jacob Myers, stockbroker, of the same place.

His Honor, in his charge, said that the very short period of time allotted since my arrival in your township yesterday, has enabled me thus to place myself in a position to take an interest in the prosperity of this adopted land.

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and in consequence of what Jackson told him, had apprehended the prisoner.

The prisoner cross-examined the witness, with the view of making it appear that the witness had been instructed to subpoena him, and that he had not received such a subpoena.

Mr. J. M. Grant, of the firm of Grant and Trevelyan, deposed, that the prisoner was discharged from the service of the firm in April last, when he received the balance of his wages in the shape of an order, but not the one produced, which was not written by either himself or his partner.

That was the case. The prisoner, with an amusing air of consequence, then prepared to address the Court in his own defence. He commenced by stating that in addressing his Honor, he laboured under considerable difficulty, in being deprived of the benefit of his principal witness, the daughter of Mr. Middleton, who would have contradicted the evidence of her father, Mr. Middleton.

However, a witness in the case of Jackson, who had been instructed to subpoena him, and that he had not received such a subpoena.

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Witness asked for water to wash the hide, but still could see no brand. The prisoner said, that was the skin of an unbranded steer which he had killed; upon which witness remarked that it was a wonder that the hide of the steer must have been, without a brand, observed an appearance of a piece having been cut off as if to remove a brand.

The witness then took the prisoner and the hide to a water-cooper's, where he put the hide in a frame to wash it, when he distinctly saw the brand R, and the letter S, and that in that position when the bear was alive, and it was on such a part of the skin that it could never have been SB, (the prisoner's brand), witness being certain that the letter S was never there.

That was not on the side of the skin where a piece was cut out, and witness thought that they had cut the piece off the wrong side by mistake. The prisoner still said it was his, and that he had branded it so. The witness then took the prisoner to his (the prisoner's) house, to see the branding irons; but the only one the prisoner could show was the one which he had used to brand his own cattle, and he said, Paddy somebody; but could not tell where he could be found.

The witness went to Major Barlow's station, and brought the superintendent and stockmen, who said, the best must have been their master's, the hide was not the one which was none like it. He had seen the prisoner's cattle, but none branded R.

Cross-examined by Mr. PURKOFF, who defended the prisoner: the prisoner willfully showed me what I wanted; I cannot tell the sex by the meat, for I did not see it, but I do not believe it was a female, or I should have seen the milk, and the horn (which he saw) was not like a cow's; I do not know any thing about Major Barlow's cattle, except what the stockman told me.

Edward Phalan identified the hide (which was in Court) as the one which Hunt, the Chief Constable, had taken to Cooper's.

By Mr. PURKOFF: The hide was afterwards kept in the Court-house, at Goulburn, with several others; but witness cannot tell it being the same that Booth saw at Cooper's. The witness could not tell the sex of the beast, nor on one else.

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Mr. PURKOFF submitted there was no case for the jury, and quoted precedents to show that it was necessary to prove the sex of the beast. The skin in question might be that of a bull for anything known by evidence.

The Solicitor-General, in reply, said, that both sexes had been laid in the indictment, and it must be either one or the other; besides which, it was proved that Major Barlow was the only person who branded in that manner.

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